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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,654	10/24/2003	Jeffery Wayne Henry	5898-00100	9661
35690	7590	06/10/2005		EXAMINER
MAYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			NGUYEN, KIEN T	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/693,654	HENRY ET AL.	
	Examiner	Art Unit	
	Kien T. Nguyen	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5,7-12,15-18,20-26 and 29 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5,9-12,15-18,21,23-26 and 29 is/are rejected.
- 7) Claim(s) 7,8,20 and 22 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/09/05 and 03/24/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

The indicated allowability of claims 6-8 is withdrawn in view the reconsideration of the claims as now presented.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 9-12, 16-18, 23-26 rejected under 35 U.S.C. 102(b) as being anticipated by Davis U.S. Patent 5,433,671.

Regarding claims 1-3, 5, 9-12, Davis disclosed a first water amusement ride (30); a second amusement ride (32); an elevation system (20) configured to convey at least one flexible inflated vehicle from an exit point (22) of the first ride to entry point of the second ride (24), wherein the exit point of the first ride and the entry point of the second ride are at different elevation levels; a second elevation system (50) configured to convey at least one flexible inflated vehicle from the exit point of the second ride (32) to an entry point of the first ride (applicants' claim 1); the rides are swimming pools and it is inherent that a water releasing mechanism configured to inject or supply water onto a surface of the rides (applicant's claim 2); the second elevation comprises a spiral transport device (applicant's claim 3); the exit point of the second ride and an entry point of the first ride are coupled via elevation system (20) (applicant's claim 5); a floating queue line (30) coupled to an entry point of at least one of the rides, the queue line comprising a line channel configured to hold water at a depth sufficient to allow a flexible inflated vehicle to float within the line channel as shown in Fig. 1 during use, the

queue line is coupled to the water ride such that the vehicle remains in the water line while being transferred from the channel along the line to the water ride (applicant's claims 9, 10, 23, 24). The elevation system (20) comprises a water slide and the second elevation system (50) can be characterized as an uphill water slide (applicant's claims 11, 12, 25, and 26).

Regarding claims 16, 17, water ride (50) could be characterized as a third ride, wherein an exit point of the third ride is coupled to the exit of the second water ride (32) via slide (20), and wherein an entry point (53a') of the third ride is coupled to the entry point of the first ride via slide (20).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies in view of Brödick, Sr. U.S. Patent 5,167,321.

It is noted that the elevation of Davis is not conveyor belt as set forth in these claims. However, such conveyor belt system is very well known in the art as evidenced by \$\$\$\$\$. Therefore, it would have been obvious to one of ordinary skill in the art to modify the elevation of Davis with the conveyor belt system as taught by Brodick, Sr. for the purpose of providing an alternative elevation for the users.

#### ***Allowable Subject Matter***

Claims 7, 8, 20, 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to pending claims have been considered but are moot in view of the reconsideration as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kien T. Nguyen  
Primary Examiner  
Art Unit 3714